

REMARKS

Claims 1-28 are pending in the present application. Reconsideration of the pending claims is respectfully requested in view of the below comments.

I. Telephonic Interview

Applicant thanks the Examiner for the courtesies extended during the telephonic interview with Mr. Sanders N. Hillis (reg. no. 45,712) on February 22, 2006. During the interview, the reasons why the declaration was deemed ineffective to overcome the prior art were discussed. No conclusion was reached, however, in a subsequent follow up call from the Examiner, it was suggested that submission of the documents referred to in the declaration and the relevance to the present application should be filed to make the declaration effective in overcoming the prior art.

II. Declarations

Applicant filed declarations from the inventors (attached Exhibit A) with a request for continued examination (RCE) on November 16, 2005. In the office action mailed January 9, 2006, the declarations were deemed ineffective to overcome the cited prior art because they lacked facts and documentary evidence.

In the declarations, item number 3, the inventors indicated they were co-authors of the book entitled Netcentric and Client/Server Computing – A Practical Guide (hereafter referred to as "the Book"). Attached as Exhibit B is a copy of the cover, the title page, list of authors, copyright notice page, Table of Contents, and Acknowledgements (pp. iii-iv and xvii) of the Book, which evidence that the inventors are co-authors and/or contributed substantially to the Book.

In the declarations, item number 4, the inventors indicated that they are co-authors of portions of Chapter 3, Chapter 12 and Chapter 28 of the Book.

Attached as Exhibit C is Chapter 3 of the Book. Chapter 3 of the Book includes pages 3-1 to 3-41. In item number 6 of the declarations, the inventors indicated that the contents of the Book were filed as U.S. Provisional Application Serial No. 60/156,962 on October 1, 1999. U.S. Provisional Application Serial No. 60/156,962 on October 1, 1999 is available in the file wrapper on the PAIR PORTAL system where the pages of the Provisional Application are number consecutively. Chapter 3 pages 3-1 to 3-41 of the Book may be found in the PAIR version of corresponding U.S. Provisional Patent Application Serial No. 60/156,962, filed October 1, 1999, at PAIR pages 96-155. The inventors in the present application are co-authors of at least the Operations Architecture section on pages 3-14 to 3-17 of the Book, which correspond to PAIR pages 116-122 of U.S. Provisional Patent Application Serial No. 60/156,962.

Attached as Exhibit D is Chapter 12 of the Book. Chapter 12 of the Book includes pages 12-1 to 12-22. With reference to item 6 of the Declarations, Chapter 12 may be found in corresponding U.S. Provisional Patent Application Serial No. 60/156,962, filed October 1, 1999, at PAIR pages 479-509. Attached Exhibit E is Chapter 28 of the Book. Chapter 28 of the Book includes pages 28-1 to 28-25. With reference to item 6 of the Declarations, Chapter 28 may be found in corresponding U.S. Provisional Patent Application Serial No. 60/156,962, filed October 1, 1999, at PAIR pages 1092-1114. Exhibits C, D and E and corresponding pages from the PAIR PORTAL evidence that the Book was filed as U.S. Provisional Patent Application Serial No. 60/156,962.

In items 3 and 5 of the Declarations, the inventors have declared that the invention disclosed in Claims 1-28 are supported by and based on the Book, and more specifically are supported by the concepts, ideas, etc. included in at least Chapters 12 and 28 and a portion of Chapter 3 of the Book. In that regard, FIG. 1 of the present application is found in U.S. Provisional Patent Application Serial No. 60/156,962, filed October 1, 1999 at PAIR pages 117 and 482, which corresponds to page 3-15 in Chapter 3 of the Book, and page 12-3 in Chapter 12 of the Book, respectively. In addition, FIG. 2 of the present patent application is found in U.S. Provisional Patent Application Serial No. 60/156,962, filed October 1, 1999 at page 263, which corresponds to page 3-18 in Chapter 3 of the Book. Further, FIG. 3 is found in U.S. Provisional Patent Application Serial No. 60/156,962, filed October 1, 1999 at page 1108, which corresponds to page 28-22 in Chapter 28 of the Book.

With regard to Claims 1-28, support can be found on at least pages 3-14 to 3-17 of the Book, which correspond to PAIR pages 116-122 of U.S. Provisional Patent Application Serial No. 60/156,962, and on pages 12-2 to 12-18 of the Book, which correspond to PAIR pages 480-503 of U.S. Provisional Patent Application Serial No. 60/156,962.

Applicant has clearly explained which facts and data have been relied upon to show completion of the claimed invention. In addition, Applicant has provided facts and produced documentary evidence and exhibits that are specifically referred to in the Declarations. Thus, the inventors Declaration and the attached Exhibits A-E support all the limitations described in Claims 1-28 and Applicant has shown priority of invention. Even if Exhibits A-E were somehow construed to not support all the limitations described in the Claims 1-28, which is clearly not the case, the Declarations themselves very clearly indicate this to be the case (see Item 5 of the Declarations). MPEP 715.07(I)

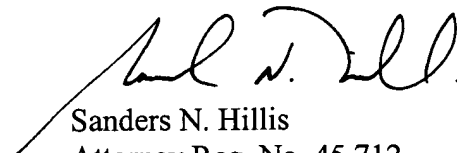
III. Rejections under 35 U.S.C. § 102(e)

The Office Action mailed January 9, 2006, rejected claims 1-28 under 35 U.S.C. § 102(e) as anticipated by Guheen *et al.* (U.S. Patent Publication No. 2004/0107125). Since the book was published on December 18, 1998 (see Declaration item 3), which is prior to the earliest effective filing date of Guheen, Guheen is not prior art to the present application. Accordingly, Guheen *et al.* does not qualify as prior art under 35 U.S.C. § 102(e) and should be removed from consideration.

Conclusion

With this response, Applicants believe that the present pending claims of this application are allowable and respectfully requests the Examiner to issue a Notice of Allowance for this application. Should the Examiner deem a telephone conference to be beneficial in expediting allowance/examination of this application, the Examiner is invited to call the undersigned attorney at the telephone number listed below.

Respectfully submitted,



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SNH/dlh

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